

**Remarks**

Claims 1-28 are pending in the present application. By this reply, claims 21-28 have been added. Claims 1 and 23 are independent.

The specification and claims have been amended to correct minor informalities and to clarify the invention according to U.S. practice. These modifications do not add new matter.

**35 U.S.C. § 103 Rejection**

Claims 1-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Soma et al. (U.S. Publication No. 2004/0205817) in view of Tomioka et al. (U.S. Patent No. 6,606,748). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Regarding independent claim 1, the Examiner correctly acknowledges that the identifying step and the automatically updating step as recited in claim 1 are lacking from Soma et al. To overcome this deficiency of Soma et al., the Examiner then relies on Tomioka et al.

Tomioka et al. is directed to providing the basic schedule information (framework data) and then providing variation data to be used to alter the starting time point and/or duration of the programs identified in the basic schedule information. As shown in Figure 4 of Tomioka et al., the increased program duration in the amount of 15 minutes for the program "Monday Night Movie" is indicated by "+15". Then the next program "News Summary" is indicated to start 15 minutes later ("+15") but ends at the originally scheduled time ("-15"). That is,

in Tomioka et al., the starting time point and/or duration of each program is selectively modified by identifying each adjustment value for each program. Thus, in contrary to the Examiner's allegation, Tomioka et al. nowhere discloses the feature of automatically updating schedule information data for each of the subset of events based upon information about the overrun of the first event, as recited in claim 1.

In Applicant's embodied invention as shown in, e.g., Figure 4, the subset (e.g., 6 events) of events to which the overrun (e.g., 10 minutes) of the first event is to be applied is identifiable through a GUI. As a result, the updating of the schedule information can be automatically performed. Therefore, there is no need to individually identify the overruns and thereby update the scheduled information for each of the programs, which can be time consuming and produces delayed or inaccurate EPG displays.

It should be noted the features of Soma et al. relied on by the Examiner merely disclose the features discussed in the "Background of the Invention" section of the present application.

Therefore, Tomioka et al. does not correct the deficiencies of Soma et al. And even if the references are combinable, assuming *arguendo*, the combination of references would still fail to teach or suggest the invention as recited in independent claim 1.

Regarding claim 2, the Examiner takes the official notice without any documentary evidence that "a delay in a program event (first event) by a time offset...that results in delay of that time offset in for each of the subsequent

program events up to a second one of the events..., can be indicated by a number of events relative to the first event, affected by the overrun delay offset" (page 3, line 20-page 4, lines 3 of the Office Action). MPEP § 2144.03 clearly states that "official notice unsupported by the documentary evidence should only be taken by the Examiner where the facts asserted are capable of instant and unquestionable demonstration as being well-known". But the Examiner's alleged assertion is not capable of instant and unquestionable demonstration as being well-known. Identifying the number of events to which the overrun of the first event should be affected is much simpler than identifying each overrun for each of the events individually as in Tomioka et al. Further no prior art of record teaches or suggests this claimed feature, as evidenced by the fact that the Examiner takes the official notice without any documentary evidence to support his position. Accordingly, Applicant respectfully challenges the Examiner's official notice and requests the Examiner to either provide documentary evidence of the Examiner's asserted notice as being well known or to withdraw the rejection.

Furthermore, merely stating that the prior art can be combined in the manner suggested by the Examiner does not render the modifications obvious unless the prior art suggests the desirability of the modification. In re Fritch, 972 F.2d 2660, 1266, 23 USPQ2d 1780, 1783-4 (Fed. Cir., 1992). The Examiner cites certain portions of Soma et al. for allegedly teaching that the process of creating the program guide information can be automated to expedite the EPG generation procedure, and thereby supports obviousness of the needed modifications. However, this is no motivation to make the changes that are

needed to render the claimed invention obvious. What Soma et al. merely teaches is a process of automatically generating electronic program guide information by compiling data. However, Soma et al. nowhere specifically discloses or even hints of "identifying a second one of said events as being the last one of a subset of said events from which starting times will be effected by the overrun of said first event; and automatically updating schedule information data for each of said subset of events based upon information about said overrun" as recited in claim 1. Since there is no suggestion of the modification in the prior art of record, the rejection is improper.

Therefore, the invention as recited in independent claim 1 and its dependent claims (due to their dependency) is clearly patentable over the applied references, and the rejection must be reconsidered and withdrawn.

### **New Claims**

Claims 21-22 further define the invention as recited in claim 1 and are thus allowable at least for the same reasons that claim 1 is allowable as discussed above. Claims 23-28 also contain similar and/or other distinguishing features of the present invention over the prior art of record, and are believed to be allowable accordingly. An early indication of the allowance of these new claims is therefore requested.

**Conclusion**

For the foregoing reasons and in view of the above clarifying amendments, Applicant respectfully requests the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicits an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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